



LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH
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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

October 06, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

43 October 6, 2015


PATRICK OZAWA
ACTING EXECUTIVE OFFICER

Dear Supervisors:

**APPROVE THE REINSTATEMENT OF RETIRED COUNTY EMPLOYEE AS A 120-DAY
TEMPORARY EMPLOYEE
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

The Department of Mental Health is requesting that the Board grant an exception to the 180-day waiting period required under the California Public Employees' Pension Reform Act of 2013, with regards to reinstating retired county employees as 120-day temporary employees.

IT IS RECOMMENDED THAT THE BOARD:

Authorize Department of Mental (DMH)'s immediate reinstatement of Mr. Richard Kushi as a temporary employee upon Board approval, waiving the 180- day waiting period required under Government Code Section § 7522.56 (code).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Los Angeles County (County) employee, Mr. Kushi retired from active County service on September 29, 2015. At the time of his retirement, he was an Administrative Service Manager Division Chief for DMH. Prior to his retirement, Mr. Kushi was an experienced senior contracting manager for DMH and served as a member on the Contractor Hearing Board (CHB).

At the time of his retirement, the CHB was overseeing debarment proceedings brought by the Internal Services Department (ISD) against Apex Waste Systems, Inc. ("Apex") and its President, Anthony Uwakwe. While the CHB had previously provided your Board with an initial debarment

recommendation, your Board requested on August 11, 2015 that the CHB reconvene to hear new information received by ISD regarding Apex. As such, since the debarment process is still ongoing, Mr. Kushi should be permitted to return immediately to complete his work on the CHB. He has heard and reviewed all evidence and testimony on this matter, and is familiar with the hearing process, the arguments of all parties, and can effectively complete his duties on the CHB.

Implementation of Strategic Plan Goals

The recommended action supports Goal 1, Operational Effectiveness/Fiscal Sustainability, of the County's Strategic Plan, maximizing public services by reinstating experienced former employees, and promoting sound and prudent fiscal practices by reducing overtime and training costs.

FISCAL IMPACT/FINANCING

Funding for this position exists within DMH's Salary and Employee Benefits budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Under the Code, a retiree must wait 180 days for the date of retirement before returning to work for the County on a temporary basis. An exception to this rule is allowable if the employer certifies that the employee's immediate reinstatement is necessary in order to fill a critically needed position and provided that the hiring has been approved by the Board in an open meeting. DMH requests that the Board grant an exception to this 180-day rule, recognizing the importance of Mr. Kushi assisting the CHB in the completion of the debarment hearing process. It is very important to have Mr. Kushi start as soon as possible, so the CHB hearing process is not further delayed.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will help to ensure a successful completion of the debarment hearing process and allow for consistency of the CHB participating members.

CONCLUSION

Mr. Kushi should be permitted to complete his work on the CHB, so that the debarment hearing process can be completed.

The Honorable Board of Supervisors

10/6/2015

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Respectfully submitted,

A handwritten signature in black ink, reading "Mg Southard". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

MARVIN J. SOUTHARD, D.S.W.

Director of Mental Health

MJS:DM:TM

c: Executive Officer, Board of Supervisors
Chief Executive Officer
County Counsel
Chairperson, Mental Health Commission